

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DILIP JANA

v.

WALMART, INC.

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NO. 4:24-CV-00698-SDJ-BD

ORDER

Proceeding pro se, plaintiff Dilip Jana sued defendant Walmart, Inc. Dkt. 1. He then twice amended his complaint: once as a matter of course, *see* Fed. R. Civ. P. 15(a)(1)(B), and once without Walmart's written consent or leave of court in violation of Rule 15(a)(2). Dkts. 10, 13. Walmart did not move to strike the second amended complaint, and the court ordered Walmart to respond to it. Dkt. 20. At that time, the court did not explicitly deem the second amended complaint the operative complaint. It does so now. *See* Fed. R. Civ. P. 15(a)(2) (stating that the court should freely grant leave to amend a complaint when justice so requires); *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (per curiam) (explaining that "[a]n amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading").

It is **ORDERED** that the second amended complaint, Dkt. 13, is **DEEMED** the operative complaint.

So **ORDERED** and **SIGNED** this 13th day of February, 2025.



Bill Davis
United States Magistrate Judge